IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 27 OF 2005

Mr.Jaideep Bhalerao
and another. ... Appellants.

V/s.

All India Karate - Do Federation. ... Respondent.

Mr.V.S.Kapse for the appellants.

Mr.B.Somandy i/b. Vinod Juwale for the respondent.

CORAM : A.S. OKA, J.

DATED : 1st March 2005.

P.C :

. Admit.

2. Respondent waives service.

3. By consent of parties taken up for hearing forthwith.

4. After arguing the Appeal for sometime, in view of the fact that no specific finding is recorded by the learned trial Judge on existence of prima facie case, the learned counsel appearing for the parties fairly stated that the impugned order may be set aside and the Notice of Motion No.2322 of 2004 be ordered to be heard afresh.

5. Hence I pass the following order:

O R D E R

(i) The judgment and order dated 30th October 2004 passed in the Notice of Motion No.2322 of 2004 is quashed and set aside.

(ii) The observations made by the learned trial Judge in paragraph-3 of the order about the conduct of the Advocates appearing before him are set aside. The Notice of Motion No.2322 of 2004 is rFpestored to file.

(iii) The parties will appear before the learned trial Judge on 22nd March 2005 for fixing the date of hearing of notice of motion.

(iv) The learned trial Judge will decide the notice of motion afresh by recording findings on all relevant points as expeditiously as possible and preferably on or before 31st July 2005.

(iv) All the contentions of the parties on merit are kept open.

6. Appeal from order stands disposed of in terms of this order with no order as to cost.

7. The parties and the concerned Court to act on an authenticated copy of this order.

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